

# **CITY COUNCIL AGENDA**

**JUNE 11, 2013**

## **SYNOPSIS**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/cityclerk](http://www.sanjoseca.gov/cityclerk). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:06 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
1:33 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 6)**  
Rabbi Menachem Levine, Congregation Am Echad presented the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**  
No Report.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring June 20, 2013 as "World Refugee Day" in the City of San José. (Herrera/Nguyen)  
**Mayor Reed, Vice Mayor Nguyen and Council Member Herrera recognized June 20, 2013 as "World Refugee Day" in San José.**
- 1.2 Presentation of a commendation to Urvi Gupta, founder of the OneInMath tutoring program, for providing more than 250 students with additional help with math skills at the Evergreen, Berryessa, and Hillview Branch Libraries. (Herrera)  
(Rules Committee referral 5/29/13)  
**Mayor Reed and Council Members Herrera, Chu and Campos recognized and commended Urvi Gupta.**
- 1.3 Presentation of a commendation to Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates, to nearly 80 percent of generated waste diverted from landfills in less than one year. (Liccardo)  
(Rules Committee referral 6/5/13)  
**Mayor Reed and Council Member Liccardo recognized and commended Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of November 06, 2012.
- (b) Study Session Minutes of November 13, 2012 on Housing Needs and Strategies and Special Closed Session Minutes of November 13, 2012.
- (c) Regular Minutes of November 27, 2012.
- (e) Regular Minutes of December 04, 2012.
- (f) Joint City of San José/Financing Authority Minutes of December 4, 2012.
- (g) Joint City Council/Santa Clara Valley Water District Board Minutes of December 10, 2012.
- (h) Regular Minutes of December 11, 2012.
- (i) Regular Minutes of December 18, 2012.
- (j) Joint City of San José/Financing Authority Minutes of December 18, 2012.

**Approved.**

- (d) Joint City of San José/Financing Authority Minutes November 27, 2012.  
**Dropped.**

## **2. CONSENT CALENDAR**

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### **2.2 Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29260 – Amending Section 3.54.020.20 of Chapter 3.54 and Section 3.56.020.20 of Chapter 3.56 of Title 3 of the San José Municipal Code for the purpose of clarifying that two new trusts may be subtrust of one trust pursuant to Section 115 of the Internal Revenue Code related to retiree healthcare benefit funding and payment of retiree health care benefits.

**Ordinance No. 29260 adopted.**

### **2.3 Approval of Council Committee Reports.**

**There were none.**

### **2.4 Mayor and Council Excused Absence Requests.**

**There were none.**

### **2.5 City Council Travel Reports.**

**There were none.**

### **2.6 Report from the Council Liaison to the Retirement Boards.**

**Council Member Constant provided a brief report on the Police and Fire Retirement Board Meeting of June 6, 2013.**

### **2.7 Agreement with the Santa Clara Valley Water District for Autumn Street Extension Project.**

**Recommendation:** Adopt a resolution:

- (a) Approving a purchase and sale agreement with the Santa Clara Valley Water District for the City's purchase of a portion of land located at 479 Howard Street, APN: 259-25-053 in the amount of \$22,000 as part of the Autumn Street Extension Project.
- (b) Authorizing the City Manager or her designee to execute the purchase agreement and all other documents needed to conclude the transaction.

CEQA: Coleman Avenue/Autumn Street Improvement Project Environmental Impact Report, EIR Resolution No. 74870, File No. PP06-166. Council District 3. (Economic Development)

**Resolution No. 76665 adopted.**

## **2. CONSENT CALENDAR**

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### **2.8 Actions Related to the 2013-2014 Workforce Investment Act Programs and Projects.**

- (a) Adopt an annual renewal resolution authorizing the City Manager or designee to:
  - (1) Negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2013 to June 30, 2014, in accordance with procurement procedures and requirements mandated by the state and federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved, as required, by the Silicon Valley Workforce Investment Network (work2future) Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
  - (2) Negotiate and execute all amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
  - (3) Negotiate and execute all grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2013 to June 30, 2014, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
  - (4) Negotiate and execute all Eligible Training Provider List (ETPL) agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2013 to June 30, 2015, subject to annual appropriation of funds by the City Council.
  - (5) Negotiate and execute all agreements specified in (1) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2014), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2015).

*(Item continued on the next page)*

## **2. CONSENT CALENDAR**

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### **2.8 Actions Related to the 2013-2014 Workforce Investment Act Programs and Projects. (Cont'd.)**

#### **Recommendation:**

- (a) (6) Negotiate and execute all agreements specified in Resolution No. 76307, Section 1 with an end term beyond the fiscal year in which the contract began (beyond June 30, 2013), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2014).
- (7) Negotiate and execute all agreements specified in (1) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2014), but not beyond the end of the following fiscal year (not beyond June 30, 2015).
- (b) The authority given under this resolution does not include authority for the City Manager to negotiate and execute agreements with any third party administrators to perform any functions relating to the Workforce Investment Act program and projects currently performed by City staff.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Economic Development)

**Resolution No. 76666 adopted.**

### **2.9 Actions Related to the Agreement with URS Corporation for Environmental Services.**

**Recommendation:** Approve the First Amendment to the Master Agreement with URS Corporation for environmental services to increase the total compensation by \$200,000 for a maximum not to exceed amount of \$450,000, and to extend the term of the agreement to June 30, 2014. CEQA: Not a Project, File No. PP10-066(d), Consultant services. Council District 3. (Environmental Services)

**Approved.**

### **2.10 Actions Related to the Agreement with eResourcePlanner, Inc. for Shift Bidding and Workforce Scheduling System.**

**Recommendation:** Accept the report on Request for Proposal for the purchase of a hosted shift bidding and workforce scheduling system and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with eResourcePlanner, Inc. (Glendale, AZ) for a fully hosted shift bidding and workforce scheduling system to include all professional and technical support services, product upgrades, training and ongoing product support, for an initial five-year term not-to-exceed maximum compensation of \$513,948, subject to annual appropriations.

*(Item continued on the next page)*

## **2. CONSENT CALENDAR**

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### **2.10 Actions Related to the Agreement with eResourcePlanner, Inc. for Shift Bidding and Workforce Scheduling System. Cont'd.)**

**Recommendation:**

- (b) Execute change orders not-to-exceed a 10% contingency in the amount of \$51,395 to cover any unanticipated changes or requirements related to the initial purchase, implementation, and support of the system.
- (c) Execute one-year options to provide continuous hosting services and technical support after the initial five year term of the agreement, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance)

**Report Accepted.**

**Resolution No. 76667 adopted.**

### **2.11 Actions Related to the Kone, Inc. Agreement for Elevator Maintenance.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the Third Amendment to the Elevator Maintenance Agreement with Kone, Inc. (San Leandro, CA), to add six elevators located at the Fourth and San Fernando Parking Garage and increase compensation for a not-to-exceed amount of \$164,000, for the renewal term of May 22, 2013 through June 30, 2014; and
- (b) Negotiate and execute subsequent amendments to the Agreement to add or delete elevators as required, subject to the annual appropriation of funds.

CEQA: Not a Project; File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

**Resolution No. 76668 adopted.**

### **2.12 Amendment to an Agreement with San José State University and Spartan Shops, Inc., for the Library Café.**

**Recommendation:** Approve an amendment to Lease Agreement, dated August 1, 2003, between City of San José, San José State University, and Spartan Shops, Inc., to expand the On Fourth Library Café in the Dr. Martin Luther King, Jr. Library, to include an additional 420 square feet of retail storefront space to offer a snack shack. CEQA: Exempt, File No. PP13-021. Council District 3. (Library)

**Approved.**



## **2. CONSENT CALENDAR**

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### **2.13 Agreement with HDR Engineering, Inc. for Spreckles Force Main Supplement and Pump Station Rehabilitation Project.**

**Recommendation:** Approve the First Amendment to the Consultant Agreement with HDR Engineering, Inc. for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project by extending the term of the Agreement from June 30, 2013 to December 31, 2014, at no additional cost for a total amount not to exceed \$897,463. CEQA: Mitigated Negative Declaration, File No. PP11-104. Council District 4. (Public Works)  
**Approved.**

### **2.14 Actions Related to the Downtown San José Property-Based Improvement District.**

**Recommendation:** Adopt a resolution:

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2013-2014 as filed or modified by Council.
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council.
- (c) Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2013-2014.
- (d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), Assessments/annual reports. Council District 3. (Transportation/Public Works)

**Resolution No. 76669 adopted.**

### **2.15 Portuguese Flag Raising.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 5, 2013:

- (a) Approve the Portuguese Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

**Approved.**

### **2.16 Philippines Flag Raising.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 5, 2013:

- (a) Approve the Philippines Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

**Approved.**

### **3. STRATEGIC SUPPORT SERVICES**

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**3.1 Report of the City Manager, Debra Figone (Verbal Report)**  
**No Report.**

**3.2 Labor Negotiations Update**

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:00 a.m.**

**Accepted.**

**3.3 Ordinance Implementing Tier 2 Pension Plan for New Police Employees.**

**Recommendation:** Approve an ordinance amending various sections of Chapters 3.32, 3.36 and 3.44 of Title 3 of the San José Municipal Code to implement a Tier 2 pension plan for new Police employees of the City of San José in the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

**Ordinance No. 29266 passed for publication.**

**3.4 Report on Bids and Award of Contract for Lighting Retrofit Equipment and Services.**

**Recommendation:**

- (a) Consider the appeal by Retro-Tek Energy Services, Inc. regarding the Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution setting forth the decision of the City Council.

**Resolution No. 76670 adopted, denying the appeal.**

- (b) Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution authorizing the City Manager to:

- (1) Execute the Purchase Order with low bidder ABM Electrical and Lighting Solutions (Pleasanton, CA) to purchase and install lighting retrofit equipment at two City locations, including labor, material, equipment and applicable sales taxes, for a not-to-exceed amount of \$300,000.
- (2) Approve a contingency in the amount of \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of the repairs and amend the Purchase Order to purchase additional lighting and installation services as may be required, at the same unit prices, subject to the appropriation of funds.

CEQA: Exempt, File No. PP13-055. (Finance)

**Resolution No. 76671 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Business Tax Amnesty Program Extension.

**Recommendation:** Approve an ordinance retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs from May 31, 2013 up through and including August 30, 2013. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (Finance)

**Ordinance No. 29267 passed for publication.**

*Items 3.6, 3.7, 3.8, and 3.9 Were Heard Immediately Following Ceremonial Items.*

#### 3.6 Library Parcel Tax Rates for Fiscal Year 2013-2014.

**Recommendation:** Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2013-2014 by 2.45% over the fiscal year 2012-2013 rates and approving the placement of the Library Parcel Tax on the fiscal year 2013-2014 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP10-067(a), Rates, Tolls, Fares, and Charges. (Finance)

**Resolution No. 76657 adopted.**

#### 3.7 Municipal Water System Water Rate Increase for 2013-2014.

**Recommendation:**

- (a) Conduct a public hearing on proposed San José Municipal Water System 2013-2014 potable water rates and charges.
- (b) Adopt a resolution increasing the San José Municipal Water System potable water rates and charges by 8.0%, effective July 1, 2013.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. Council Districts 2, 4, 7 and 8. (Environmental Services)

**The Public Hearing was held.**

**Resolution No. 76658 adopted.**

#### 3.8 Mayor's 2013 June Budget Message.

**Recommendation:**

- (a) Review, discussion and approval of the Mayor's 2013 June Budget Message.

**The Mayor's 2013 June Budget Message was approved, as amended:**

- (1) **City Manager directed to consider including the park rangers in the Public Safety CSA for next Fiscal Year 2014-2015 Budget.**
- (2) **The Manager's Budget Addendum 29 was not revised: the reorganization of the Gaming Control Division was not a change but stating direction, which was previously given February 2013 based on the City Auditor's Report.**

*(Item continued on the next page)*

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.8 Mayor's 2013 June Budget Message. (Action Cont'd.)**

- (a) (3) Relating to the Homeless Rapid Rehousing \$4M allocation for two years, Staff directed to report back to Neighborhood Services and Education Committee as a work plan item in order for the Committee and Council to evaluate the effectiveness.**
- (4) Relating to the Downtown Ice Rink Capital repairs of \$70,000 one time funding monies for the replacement of the chiller equipment and other capital repairs, Staff directed to use the leftover monies to repair other items.**
- (5) The memorandum from Council Members Campos and Kalra, dated June 7, 2013, requesting allocation of \$32,000 for the retention and extension of the paratransit and van service for Senior transportation, was referred to August when Council will be discussing additional funding and community center issues.**
- (6) The memorandum from Council Member Campos, dated June 10, 2013, accepting the Mayor's June Budget Message with the following amendments, was approved:**
  - (a) The City Manager directed to evaluate and recommend during the Mid-Year Budget a plan to implement Budget Document 59 entitled, Open One Community Center: High Need Area at the Alum Rock Youth Center.**
  - (b) The City Manager directed to return to Council during the Mid-Year Budget with a recommendation to provide one additional cleaning service day to all City owned Youth Center Facilities.**
- (7) On Page 11, of the Mayor's June Budget Message, 3.a. Traffic Calming: Commence the expenditure of the funds after Council has had an opportunity to discuss and make a decision about whether to streamline implementation of traffic calming.**

**Noes: Kalra, Rocha.**

- (b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.**

**(Mayor)**

**Resolution No. 76659 adopted.**

**Noes: Kalra, Rocha.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.9 Approve the 2013-2014 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

**Recommendation:**

- (a) Adopt a resolution approving the Operating Budget for 2013-2014 for the City of San José, the Capital Budget for 2013-2014 for the City of San José, and the Five-Year Capital Improvement Program for 2014-2018 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

**Resolution No. 76660 adopted.**

**Resolution No. 76661 adopted.**

**Resolution No. 76662 adopted.**

- (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2013-2014.

**Resolution No. 76663 adopted.**

- (c) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Section 3 (Contingency Funds or Accounts), Section 4 (Fund Balance), and Section 8 (Debt).

(City Manager's Office)

**Resolution No. 76664 adopted.**

### **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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#### **4.1 Municipal Water System's Water Supply Assessment for Zanker Road Materials Recovery Facility.**

**Recommendation:** Approve the San José Municipal Water System's Water Supply Assessment for the Zanker Road Materials Recovery Facility Planned Development Zoning (PDC12-029). CEQA: Not a Project, File No. PP10-066(d), Planning and Feasibility Studies. Council District 4. (Environmental Services)

**Approved.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.2 Rezoning the Real Property Located on the North Side of Los Esteros Road.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on the north side of Los Esteros Road, approximately 2,500 feet east of Grand Avenue (675 Los Esteros Road, APN: 015-30-071) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the maximum height of the landfill from 50 feet to 80 feet, increase the remaining landfill capacity from approximately 62,000 cubic yards to 700,000 cubic yards, modify the phasing plan of daily tonnage of waste accepted, and establish a phasing plan for the development of a 200,000 square foot materials recovery facility on a 52.5 gross acre site (Zanker Road Resource Management, Ltd, Owner). CEQA: Addendum to the Zanker Materials Recycling Facility EIR and subsequent Mitigated Negative Declaration, Resolution to be considered for adoption. Planning Commission recommends approval (7-0-0).

PDC12-029 – District 4

(Deferred from 5/21/13 – Item 11.2)

**Ordinance No. 29268 passed for publication.**

**CEQA Resolution No. 76672 adopted.**

### **4.3 Vacation of Springbrook Avenue and Canyon Ridge Drive.**

**Recommendation:** Adopt a resolution summarily vacating portions of irrevocable offers of dedication for public street purposes and a public service easement located north of Springbrook Avenue and Canyon Ridge Drive. CEQA: Mitigated Negative Declaration, File No. PDC07-077. Council District 8. (Public Works)

**Resolution No. 76673 adopted.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Disposition and Development Agreement for the Sycamore Terrace Project.**

**Recommendation:** Conduct a public hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary 33433 Report pursuant to health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).
- (b) Approving a DDA between the City of San José and Barry Swenson Builder, or its designated affiliate, enabling the development of Sycamore Terrace, a 27-unit for-sale housing development, and authorizing the City Manager or her designee to negotiate, execute, and record all documents reasonably necessary to convey the property as provided in the DDA.

CEQA: Mitigated Negative Declaration, File No. PDC90-061. (Housing)

**Deferred to August 13, 2013 per Administration.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Report on Bids and Award of Contract for the 2013 Remove and Replace Pavement Project.**

**Recommendation:** Report on bids and award of a construction contract for the 2013 Remove and Replace Pavement Project to the low bidder, G. Bortolotto & Co., Inc., in the amount of \$2,856,439, and approval of a five percent (5%) contingency in the amount of \$142,822. CEQA: Exempt, File No. PP11-035. (Transportation)

**Approved.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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### **9.1 Transfer of Housing Assets to Successor Agency to the San José Redevelopment Agency.**

**Recommendation:** Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

- (a) Increase the appropriation to the Housing Department for: Successor Agency to the Redevelopment Agency by \$1,430,000.
- (b) Decrease the Ending Fund Balance by \$1,430,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Housing/City Manager's Office)

**Ordinance No. 29269 adopted.**

- **Open Forum**

**There was no public testimony.**

- **Adjournment**

**The Council of the City of San José was adjourned at 4:05 p.m.**